

**ASSEMBLY BILL**

**No. 1744**

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**Introduced by Assembly Member Portantino**

February 8, 2010

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An act to amend Section 706.011 of the Code of Civil Procedure, relating to earnings withholding orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1744, as introduced, Portantino. Earnings withholding orders.

Existing law provides procedures for the enforcement of monetary judgments, including the issuance of an earnings withholding order. Existing law provides various definitions for these purposes.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 706.011 of the Code of Civil Procedure  
2     is amended to read:  
3     706.011. As used in this chapter:  
4     (a) "Earnings" means compensation payable by an employer to  
5     an employee for personal services performed by ~~such~~ *the* employee,  
6     whether denominated as wages, salary, commission, bonus, or  
7     otherwise.  
8     (b) "Earnings assignment order for support" means an order,  
9     made pursuant to Chapter 8 (commencing with Section 5200) of  
10    Part 5 of Division 9 of the Family Code or Section 3088 of the

1 Probate Code, which requires an employer to withhold earnings  
2 for support.

3 (c) “Employee” means a public officer and any individual who  
4 performs services subject to the right of the employer to control  
5 both what shall be done and how it shall be done.

6 (d) “Employer” means a person for whom an individual  
7 performs services as an employee.

8 (e) “Judgment creditor,” as applied to the state, means the  
9 specific state agency seeking to collect a judgment or tax liability.

10 (f) “Judgment debtor” includes a person from whom the state  
11 is seeking to collect a tax liability under Article 4 (commencing  
12 with Section 706.070), whether or not a judgment has been  
13 obtained on ~~such~~ *that* tax liability.

14 (g) “Person” includes an individual, a corporation, a partnership  
15 or other unincorporated association, a limited liability company,  
16 and a public entity.